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Convention on the Elimination of all Forms of Discrimination Against Women

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Discrimination of any kind on grounds of sex, religion or nationality is alien to the social system, political regime, legislation and legal practice of the Hungarian People's Republic. This principle is laid down in the Constitution, the fundamental law of Hungary; its enforcement and consistent application is guaranteed by a number of statutory provisions, and its violation is punishable by penal, civil and administrative sanctions in cases specified by law.

Accordingly the Hungarian People's Republic is party to all international conventions on human rights which, inter alia, exclude and order to punish any form of discrimination, e. g. the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid.

The Hungarian People's Republic took an active part in the elaboration of the International Convention on the Elimination of All Forms of Discrimination against Women, supported and voted for the Convention adopted by the United Nations General Assembly on 18 December 1979, and was among the first to become a party to it. The Convention was promulgated by Law-Decree no.10/1982 and thereby became an integral part of the national law.

An important objective of Hungary's socialist

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society is to achieve for women the fullest possible measure of equality. It is a special concern of the Hungarian Government to create the economic, political, social and cultural conditions for women's enjoyment of equal rights in public life, work and family alike, thus ensuring the exercise by women /representing 51.5 % of the total population of 10.7 million/ of their constitutional rights and the full development of their creative personality. This socio-political objective is served by the legal system of Hungary, which lays down guarantees for the elimination of discrimination against women in all spheres of life.

The Hungarian People's Republic has undertaken to implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and to comply with the obligations emanating therefrom for the States Parties. The principles and measures required by the Convention were spelled out in the relevant national legislation prior to the entry into force of the Convention and even go beyond their scope in some areas.

The implementation of the Convention is ensured by the following legislative acts, administrative regulations, and legal, economic and social measures:

Add. Part I of the Convention /Articles 1 to 6/

The Hungarian People's Republic comes out at every international forum for the observance of and respect for human rights and equality, including the equality of women, and most resolutely condemns any form of discrimination.

All forms of discrimination are prohibited by the Constitution, and violation of this principle entails

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application of severe sanctions.

Act I 1972 on the Amendment of Act XX of 1949 and the Integrated Text of the Constitution of the Hungarian People's Republic spells out the principle or non-discrimination and women's equality and enumerates the requirements for the realization of equal rights:

"Art. 61. /2/ Discrimination of any kind against citizens on grounds of sex, religion or nationality is a severely punishable offence."

"Art. 62. /1/ In the Hungarian People's Republic women enjoy equal rights with men.

/2/ The equal rights of women are implemented by provision of appropriate employment opportunities and working conditions, maternity leave with pay in the event of pregnancy and childbirth, increased legal protection of mother and child, and a system of maternity and child welfare institutions."

These provisions of the Constitution are given effect by detailed regulations relating to social, political and cultural life, employment and the family.

Any ideology professing the inferiority or superiority of either sex and any practice reflecting such ideology are incompatible with the socialist order of society. At the same time the national system of law is based on the provision of the Convention that adoption of special measures aimed at protecting maternity shall not be considered discriminatory.

In addition, the Hungarian People's Republic is a party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which was promulgated by Law-Decree No. 34 of 1955. Periodic reports on the implementation of the Convention are submitted to the Secretary-General of the United Nations.

Add. Part II of the Convention /Articles 7 to 9/

In consistent observance of the principle of equality the Constitution guarantees the right for all citizens, men and women alike, to participate in social and political affairs. At the same time it is the constitutional duty of citizens to discharge their public functions, elective or appointive.

"Art. 68. /1/ Every citizen has the right to take part in the management of public affairs; it is his duty to discharge his public functions conscientiously."

Another important form or participation in public affairs is the presentation of proposals of public interest to political and social organizations, which are under the obligation to consider such proposals on their merits.

"Art. 68. /2/ The citizens may bring forward proposals of public interest to political and social organizations. Such proposals shall be judged on their merits."

The right to vote and to be elected is likewise regulated by the Constitution with respect for the full

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equality of sexes:

"Art. 72 /1/ All adult citizens of the Hungarian People's Republic have the right to vote."

"Art. 73. /1/ Every adult citizen who has the right ot vote is eligible for election as Member of Parliament or councillor."

Act III of 1966 on the Election of Members of Parliament and of Councillor provides, inter alia, the following:

"Art.2. /1/ All adult citizens have the right to vote.

/4/ Every adult citizen who has the right to vote is eligible for election as Member of Parliament or Member of local and county Council."

The right to vote is exercised by 98-99 % of women entitled to vote. The experience of the past decades shows that an increasing number of women are elected to political, social and mass organizations, and participate in the work of non-governmental organizations as well as of associations and societies which play a very significant part in public life.

At present 95 out of 352 Members of Parliament are women, representing a ratio of 27 %. The ratio of women is 31 % in the councils as local organs of state power and exceeds 30 % in the committees of the Patriotic People's Front comprising broad strata of society. Women play a traditionally important role in the trade unions as the largest of mass organizations in Hungary. This is amply demonstrated by the fact that more than 50 % of trade union functionaries are women.

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The National Council of Hungarian Women works together with other social organizations for the full implementation of women's equality. It is one of its many concerns to see whether legislation, new or amended, is guided by the contemporary concept of equality in the protection of women as required by social progress, whether social development calls for adoption of new legislation or amendment of existing laws, and how the measures for the protection of women, mothers, children and the family are implemented. It gives its opinion on draft laws, draws up proposals for the competent state organs and, where necessary, initiates the adoption of new laws. It makes surveys of the practical implementation and social impact of certain laws and works out proposals in the light of experience. Dissemination of laws affecting women and the family and formation of women's awareness and attitude are also important tasks of the Council.

The Hungarian Government encourages and promotes its representation by women in the work of international organizations and other forums.

Women in the Hungarian People's Republic enjoy equality in respect of acquiring, changing or keeping their nationality. Legislation provides for guarantees against the automatic change or loss of women's nationality by the fact of their marriage.

Act V of 1957 on Nationality ensures the full equality of sexes.

"Art. 1. /1/ A Hungarian citizen is a person who:

/a/ is the child of a parent of Hungarian nationality;

/b/ has acquired Hungarian nationality by naturalization or re-naturalization;

/c/ was a Hungarian citizen at the date of the entry into force of the present Act, unless he or she has

lost his or her nationality."

Accordingly a woman of Hungarian nationality does not change her nationality by the fact of her marriage with a foreign citizen. Women enjoy equal rights with men in respect of the nationality of their child as well.

Add.Part III of the Convention /Articles 10 to 14/

The Constitution not only guarantees the continuous improvement of the erudition and education of citizens, but also spells out the right of all citizens to education.

The right to education extends without discrimination to urban and rural areas, to similar school facilities, to teaching at coeducational schools at all levels, and to access to scholarship.

"Art. 18. The Hungarian People's Republic guarantees .... the continuous improvement of the erudition and education of citizens."

"Art. 59. The Hungarian People's Republic ensures the right to education for every citizen."

The general rules concerning the right to work, remuneration according to work, the right to rest, social insurance and health care are also contained in the Constitution:

"Art. 14. /1/ The basis of the social order of the Hungarian People's Republic is labour."

"Art. 55. /1/ The Hungarian People's Republic guarantees the right of its citizens to work, as well as their remuneration according to the quantity and quality of work performed."

"Art. 56. /1/ The Hungarian People's Republic ensures the right of rest for its citizens.

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/2/ The Hungarian People's Republic enforces this right by the statutory establishment of the working day, by guaranteeing paid holidays, and by supporting the organization of rest and recreation."

"Art. 57. /1/ Citizens in the Hungarian People's Republic have the right to the protection of life, corporal integrity and health.

/2/ The Hungarian People's Republic enforces this right by the organization of labour safety, health institutions and medical services, and by the protection of the human environment."

"Art. 58. /1/ The citizens of the Hungarian People's Republic have the right to financial support in case of old age, disease and disability.

/2/ The Hungarian People's Republic guarantees the right to financial support by means of a social insurance scheme and a system of social institutions."

The establishment of employment relations and the rights and duties arising from employment are regulated in detail by Act II of 1967 on the Labour Code, which guarantees the equality of sexes in this field and devotes special attention to the increased protection of women, taking account of their physical and biological condition and of the requirements indispensable for them to fulfil their role as mothers.

Act II of 1967 on the Labour Code contains the following relevant provisions:

"Art. 18. /3/ In establishing employment relations and defining the rights and duties arising from employment no discrimination shall be made against employees on account of sex, age, nationality or social origin."

"Art. 19. /2/ Employment shall not be denied to pregnant women or mothers on account of pregnancy or motherhood. Under similar conditions prevailing, pregnant women and mothers with small children shall enjoy preference

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in respect of employment."

"Art. 20. /2/ Women and minors shall not be assigned to work liable to be injurious to them in view of their physical condition or of development."

"Art. 22. /3/ A labour contract made in violation of the regulations on employment relations shall be null and void. If any of the provisions of a labour contract is contrary to the regulations on employment relations, only that provision shall be null and void and be replaced by the relevant rule of the law."

"Art. 26. /4/ Before the expiry of a period specified by law the employer shall not terminate the employment of a pregnant woman or a woman giving birth."

"Art. 38. /3/ A working woman from the fourth month of her pregnancy shall by no means be required to work overtime or to be on stand-by duty until her child completes six months of age, while from that period until the child completes one year of age she may be assigned to such work or duty with her consent only."

"Art. 42. /2/ Mothers with several children shall be entitled to supplementary leave...."

The relevant provisions of Decree No. 48/1979. /XII. 1./ of the Council of Ministers on the Implementation of the Labour Code include the following:

"Art. 41. /2/ A working mother, and a working father raising his child alone, shall be entitled to an annual supplementary leave of

- 2 working days for one child,
- 5 working days for two children,
- 9 working days for three children or more under 14 years of age."

"Art. 54. /1/ A pregnant woman or a woman giving birth shall be entitled to a maternity leave of 20 weeks, which in case of abnormal delivery may be prolonged by 4 weeks on medical advice. Four weeks of maternity leave shall

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be taken before delivery, but this requirement may be waived at the request of the working woman if according to medical opinion no hazard to her health results therefrom."

Seventy-nine per cent of women of working age are in employment, and women represent 45 % of all active earners.

With the explicit concurrence of the trade unions, the organs of state administration keep under constant review the types of work which, with the advance of science and technology, are likely to involve hazards to women's health, extending or reducing their range in the light of findings.

Decree No. 6/1982. /VI. 12./ of the Minister of Health on the Protection of Health and Physical Integrity of Women and Minors provides in this respect the following:

"Art. 2. /1/ Women ... shall not be employed in types of work harmful to health or under conditions of work likely to involve increased hazards to health, physical integrity, or children yet unborn..."

The types of work harmful to health and physical integrity are listed in the annex to the said Decree. The prohibitive list is subject to review when changes occur in working conditions /application of new technology, appearance or disappearance of health hazards/, on medical advice, or after the lapse of five years.

Under the State-financed child-care allowance scheme, which was introduced in Hungary in 1967, a working mother and, following an amendment of the relevant law, a

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working father raising his child alone may stay at home to attend to the child until he completes 3 years of age. At present more than 250,000 families /some 80 % of which are working mothers/ benefit from this scheme, which has proved its worth both as a legal, and mainly a social policy measure expressing the appreciation of society for mothers nursing little children and its increased responsibility for children while providing the necessary financial means. The duration of this benefit is counted towards the period of service in employment and is to be taken into account for entitlement of other employment and social insurance benefits. Decree No. 10/1982. /IV.16/ of the Council of Ministers provides:

"Art. 1. /1/ A mother, and a father raising his child alone, shall be entitled to a child-care allowance until the child completes 3 or, in case of lasting illness or grave infirmity, 6 years of age.

/4/ Entitlement to a child-care allowance shall be subject to leave without pay /remuneration/ in case of persons having employment /membership/ relations."

"Art. 4. /1/ Giving birth to another child during the enjoyment of the allowance shall entitle the mother to an additional allowance."

/2/ ... in case of several children creating eligibility an allowance shall be due for each child."

"Art. 5. /1/ If the entitled person is in employment, the length of unpaid leave granted for the purpose of taking care of the child shall be counted towards the period of service."

The basic principle of social insurance, namely the right to financial support in case of old age, illness and disability, is laid down in the Constitution as a civic right:

"Art. 58. /1/ The citizens of the Hungarian People's

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Republic have the right to financial support of old age, disease and disability."

/2/ The Hungarian People's Republic guarantees the right to financial support within the social insurance scheme and by a system of social institution."

Under the Social Security Act /Act II of 1975/, social insurance shall be a task for the State, which shall devote special attention to the protection of women and to families with several children. The relevant provisions of the Act include the following: Special care shall be devoted to material support for women, young people and families with children, particularly those with several children /Art. 4, para. 2/. Child-bearing mothers shall be entitled to maternity and confinement allowance and maternity benefit /Articles 23, and 26/. All working mothers are entitled to sick-pay for the purpose of nursing their ill child, such entitlement depending on the age of the child and on whether the child is attended to by a single parent /Articles 17 and 18/. The sick-pay shall be due annually for the duration of the contingency if the child is under one year of age, for 60 days if the child is over one year but under 3 years of age, and for 30 days or, in case of a single parent, 60 days if the child is over 3 years but under 6 years of age /Art. 19/. The amount of sick-pay ranges between 65 and 75 % of daily average wages, depending on the length of the insurance period and of employment relations /Art. 22, para.2/.

The retirement age is 55 years for women and 60 years for men in the Hungarian People's Republic.

Women in both urban and rural areas benefit from the political, legal, social, economic, financial and

cultural measures ensuring their equality.

Add. Part IV of the Convention /Articles 15-16/

In accordance with the constitutional principle of non-discrimination, the equality of citizens and sexes is complemented by equality before the law fully enjoyed by women as well: "The citizens of the Hungarian People's Republic are equal before the law and enjoy equal rights" /Art. 61, para.1, of the Constitution/.

The principle of equality before the law is also expressed in the Civil Code, under which everyone, including women, has legal capacity. Women enjoy equal rights with men in making /entering into/ contract, possessing property and participating in all phases of judicial and administrative proceedings. Any restriction of legal capacity in respect of contract and all other private instruments of any kind with a legal effect is null and void. The relevant provisions of law are the following:

Art. 8. /1/ of the Civil Code: "Everyone in the Hungarian People's Republic shall have legal capacity and may have rights and obligations.

/2/ Legal capacity shall be equal irrespective of age, sex, race, nationality or religion.

/3/ A contract or unilateral declaration restricting legal capacity shall be deemed to be null and void."

Art. 48 of Act III of 1952 on Civil Procedure: "A party to a lawsuit may be a person who may have rights and obligations under the rules of civil law /capacity to sue and to be sued/."

Under the Constitution, the Hungarian People's Republic protects the institution of marriage and the family /Art. 15/ in keeping with the principles of equality and non-

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discrimination of sexes. The relevant social policy objectives are realized by the provisions of the family law /Act IV of 1952 on Marriage, the Family and Guardianship as amended by Act I of 1974/.

"Art. 1. The purpose of the Act on marriage, the family and guardianship is, in pursuance of Articles 15, 16 and 62 of the Constitution and in accordance with the social order and the socialist conception of the People's Republic, to regulate and protect the institution of marriage and family, to secure in marriage and in family life the equal rights of spouses ..."

The spouses accordingly enjoy equal rights in the conclusion of marriage, during its subsistence and at its dissolution as well as in common matters of marital life, including those concerning property and the child /parental supervision/, the paramount consideration being the interest of the child.

"Art. 23. Husband and wife shall have equal rights and duties in matrimonial matters."

"Art. 24. Husband and wife shall be duty-bound to .... support each other."

"Art. 25. The spouses shall select their place of residence by common agreement."

Parents bear a joint responsibility in the upbringing and care of the child and exercise parental supervision jointly:

"Art. 71. /1/ Parental supervision shall be exercised in accordance with the interests of the minor child."

"Art. 72. /1/ Parental supervision shall be jointly exercised by parents."

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The family law provides for the wife several options of name in married life:

"Art. 26. /1/ Upon conclusion of the marriage the wife may chose:

/a/ to bear the full name of her husband with the affix indicating her married state, to which she may add her own full name;

/b/ to bear the surname of her husband with the affix indicating her married state, to which she may add her own full name;

/c/ to add her maiden name to the surname of her husband;

/d/ to bear her own full name only."

The equality of spouses is likewise reflected in legislation concerning the community property regime during marriage:

"Art. 27. /1/ The conclusion of marriage shall establish a community of property between the spouses for the duration of their marriage. All the property acquired jointly or separately during the marriage, excluding assests belonging to the separate property of either spouse, shall become undivided common property of the spouses."

The principles of equality and non-discrimination between sexes are also expressed by the following provisions of the family law:

"Art. 2. /1/ A marriage is contracted if the parties, together present before a registrar or other magistrate of the executive committee of the council acting in his official capacity, declare in person of their intention to marry.

/2/ The declaration made, the registrar shall enter the marriage in the register of marriages.

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/3/ The marriage shall be solemnized publicly, in the presence of two witnesses, in an office assigned thereto."

"Art. 48. /1/ Adoption shall be subject to authorization by the guardianship authority.

/2/ The grant of an adoption permit shall be subject to a declaration by the parties on their concurrent request as well as to the consent of the adoptee's natural parents and of the spouse of the adopter living in marriage."

"Art. 10. /1/ A marriage may be concluded by a man who has completed his 18th year and by a woman who has completed her 16th year.

/2/ The conclusion of marriage by a man under 18 years and by a woman under 16 years of age shall be subject to prior permission by the guardianship authority."

The conditions for women's exercise of their social, political, economic and cultural rights have been created by the Hungarian People's Republic in the course of building of socialist society and the appropriate guarantees therefore are laid down in the legislation as reflected in this report. The activity of women in public life, at places of work and in the family, particularly in the upbringing of children and in the shaping of a modern pattern of division of labour in the family and at workplaces, is appreciated by Hungarian society. The objectives of socialist Hungary include making determined and continued efforts to improve the situation and equal opportunities of women and the economic and cultural as well as social conditions for them to perform their double role as earners and mothers. Increase of their qualifications, adoption of appropriate social policy measures and extension of services will remain means of promoting the attainment of these objectives.